

ORIGINAL

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8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 3 07 70134

JCS

13 UNITED STATES OF AMERICA, )

14 Plaintiff, )

15 v. )

16 CHRISTOPHER NIU, and, )  
SISILIA OSAI, )

17 )  
18 Defendants. )  
19 )

CRIMINAL NO.

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

20 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
21 Procedure that on or about March 6, 2007, the above-named defendants were arrested based upon  
22 an arrest warrant (copy attached) issued in case number 06-00594-SOM in the District of Hawaii,  
23 upon an

24 ☒ Indictment

25 ☐ Information

26 ☐ Criminal Complaint

27 ☐ Other (describe)  
28

1 In that case, the defendants are charged with a violation of Title 21, United States Code,  
2 Section 846, conspiracy to distribute and possess with intent to distribute a controlled substance.

3 Description of Charges: Defendants conspired to transport 50 grams or more of  
4 methamphetamine from California to Hawaii with the intent of distributing it in Hawaii, in  
5 violation of Title 21, United States Code, Section 846 and 841(b)(1)(A).

6 Maximum Penalties: 10 year mandatory minimum prison term

7 Life maximum prison term

8 \$4 million fine

9 5 year minimum supervised release term

10 Life maximum supervised release term

11 \$100 special assessment  
12

13 Respectfully Submitted,

14 SCOTT N. SCHOOLS  
15 UNITED STATES ATTORNEY

16  
17 Date: 3-7-2007

18   
19 KIRSTIN M. AULT  
20 Assistant U.S. Attorney  
21  
22  
23  
24  
25  
26  
27  
28

ORIGINAL

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of Hawaii

1288307

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Case Number: CR 06-00594 SOM-05

SISILIA OSAI

(Name and Address of Defendant)

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED TO ARREST SISILIA OSAI and bring him or her forthwith to the nearest district/ magistrate judge to answer a Superseding Indictment, charging him or her with (brief description of offense)

Conspiracy to distribute and possess with intent to distribute methamphetamine, a Schedule II controlled substance

RECEIVED  
2007 FEB 21 PM 2:16  
U.S. MARSHAL'S SERVICE  
HONOLULU, HI.

in violation of Title 21 United States Code, Section(s) 846, 841(a)(1) and (b)(1)(A).

Sue Beitia

Name and Title of Issuing Officer

Clerk U.S. District Court

Title of Issuing Officer

Signature of Issuing Officer/Deputy Clerk

FEBRUARY 21, 2007 at Honolulu, Hawaii

Date and Location

Bail Fixed at No bail

By: Kevin S. C. Chang, United States Magistrate Judge

SEALED

BY ORDER OF THE COURT  
RETURN

This warrant was received and executed with the arrest of the above-named defendant at

Date Received	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
Date of Arrest		

FEB 23 2007 15:58 FR USMS HAWAII

808 541 3015 TO 918082446458

P.02/02

**ORIGINAL**

AO 442 (Rev. 10/03) Warrant for Arrest

**UNITED STATES DISTRICT COURT**

District of Hawaii

1288306

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Case Number: CR. 06-00594 SOM-04

CHRISTOPHER NIU

(Name and Address of Defendant)

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED TO ARREST CHRISTOPHER NIU and bring him or her forthwith to the nearest district/ magistrate judge to answer a Superseding Indictment, charging him or her with (brief description of offense)

Conspiracy to distribute and possess with intent to distribute methamphetamine, a Schedule II controlled substance

RECEIVED  
FEB 21 PM 2:15  
U.S. MARSHALS SERVICE  
HONOLULU, HI

in violation of Title 21 United States Code, Section(s) 846, 841(a)(1) &amp; (b)(1)(A).

Sue Beitia

Name and Title of Issuing Officer

Clerk U.S. District Court

Title of Issuing Officer

Signature of Issuing Officer/Deputy Clerk

FEBRUARY 21, 2007 at Honolulu, Hawaii

Date and Location

Bail Fixed at No bail

By: Kevin S. C. Chang, United States Magistrate Judge

**SEALED**  
BY ORDER OF THE COURT

**RETURN**

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

Date Received	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
Date of Arrest		

FEB-23-2007 09:38AM FAX:808 541 3015

6272928762729

808 2445458

TO: MPD UICE DEPT

FEB-23-2007 10:31 FROM: MPD UICE DEPT

02/28/2007 17:58 916508762729

\*\* TOTAL PAGE.02 \*\*

PAGE 03/42

EDWARD H. KUBO, JR. #2499  
United States Attorney  
District of Hawaii

**SEALED**  
BY ORDER OF THE COURT

FLORENCE T. NAKAKUNI #2286  
Chief, Narcotics Section

CANDACE KELLY CA BAR #191473  
Assistant United States Attorney  
PJKK Federal Building  
300 Ala Moana Blvd., Room 6-100  
Honolulu, HI 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-2958  
Email: [Candace.Kelly@usdoj.gov](mailto:Candace.Kelly@usdoj.gov)

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**FEB 21 2007**  
at 11 o'clock and 52 min. a M  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. CR 06-00594-SOM
	)	
Plaintiff,	)	
	)	SUPERSEDING INDICTMENT
v.	)	
	)	[21 U.S.C. §§ 846, 841(a)(1)
EMA TUUHETOKA,	(1) )	& (b)(1)(A)]
TUPOU VAIKONA,	(2) )	OPTIONAL FORM 99 (7-90)
KALONISIA TAFUNA,	(3) )	<b>FAX TRANSMITTAL</b>
CHRISTOPHER NIU	(4) )	# of pages = 4
SISILIA OSAI	(5) )	
	)	To <u>Kirstin Ault</u>
Defendants.	)	From <u>Candace Kelly</u>
	)	Dept./Agency
	)	Phone # <u>(808) 541-2850</u>
	)	Fax # <u>(510) 637-3724</u>
	)	Fax #

NSN 7540-01-317-7368

5099 101

GENERAL SERVICES ADMINISTRATION

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

Beginning at a date unknown to the grand jury and continuing up to and including November 19, 2006 in the District of Hawaii and elsewhere, defendants EMA TUUHETOKA, TUPOU VAIKONA, KALONISIA TAFUNA, CHRISTOPHER NIU and SISILIA OSAI did knowingly and

intentionally combine, conspire, confederate and agree together and with each other, and with others known and unknown to the grand jury, to distribute and possess, with intent to distribute, 50 grams or more methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21 United States Code, Sections 846, 841(a)(1) & (b)(1)(A).

#### OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following acts, among others, were committed within the District of Hawaii, and elsewhere:

1. On or about November 14, 2006, Defendant CHRISTOPHER NIU ("NIU") delivered crystal methamphetamine to Defendant TUPOU VAIKONA ("VAIKONA") at her residence in California.
2. On or about November 14, 2006, Defendants EMA TUUHETOKA ("TUUHETOKA") and VAIKONA went to the American Trans Air (ATA) Airlines ticket counter in Oakland, California where they paid cash for round trip airline tickets to fly that same day from Oakland, California to Kahului, Maui, Hawaii for the purpose of transporting crystal methamphetamine to Hawaii.
3. On or about November 14, 2006, TUUHETOKA and VAIKONA flew from Oakland, California to Kahului, Maui, Hawaii on ATA flight #4627 carrying approximately 1,969 grams of crystal methamphetamine.



4. On or about November 14, 2006, at approximately 1:20 p.m., TUUHETOKA and VAIKONA walked to the Kahului airport's baggage claim area where VAIKONA retrieved a pink suitcase which she had checked into ATA baggage in Oakland, California.
5. In or about mid-November, 2006, but no later than November 19, 2006, Defendant KALONISIA TAFUNA ("TAFUNA") purchased round trip airline tickets to fly from Oakland, California to Kahului, Maui, Hawaii for the purpose of transporting crystal methamphetamine to Hawaii.
6. On or about November 19, 2006, TAFUNA and two associates flew from Oakland, California to Kahului, Maui, Hawaii on ATA flight #4627 carrying approximately 2,155 grams of crystal methamphetamine.

All in violation of Title 21, United States Code, Section 846.

Count 2

On or about November 19, 2006, in the District of Hawaii, defendant, KALONISIA TAFUNA, did knowingly and intentionally possess, with intent to distribute, 50 grams or more, to wit: approximately 1,524 grams, of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

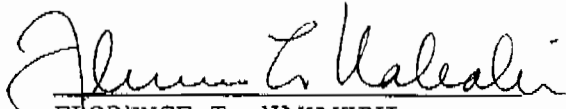
All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

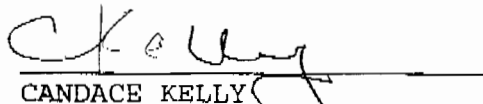
Dated: February 21, 2007, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson.  
FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

  
FLORENCE T. NAKAKUNI  
Chief, Narcotics Section

  
CANDACE KELLY  
Assistant U.S. Attorney

United States v. Tuuhetoka, Vaikona & Tafuna  
Superseding Indictment  
CR. No. CR 06-00594-SOM